

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Sean Pak (Bar No. 219032)

3 seanpak@quinnemanuel.com

4 Melissa Baily (Bar No. 237649)

5 melissabaily@quinnemanuel.com

6 James Judah (Bar No. 257112)

7 jamesjudah@quinnemanuel.com

8 Lindsay Cooper (Bar No. 287125)

9 lindsaycooper@quinnemanuel.com

10 Iman Lordgooei (Bar No. 251320)

11 imanlordgooei@quinnemanuel.com

12 50 California Street, 22nd Floor

13 San Francisco, California 94111-4788

14 Telephone: (415) 875-6600

15 Facsimile: (415) 875-6700

16 Marc Kaplan (*pro hac vice*)

17 marckaplan@quinnemanuel.com

18 191 N. Wacker Drive, Ste 2700

19 Chicago, Illinois 60606

20 Telephone: (312) 705-7400

21 Facsimile: (312) 705-7401

22 *Attorneys for GOOGLE LLC*

23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SAN FRANCISCO DIVISION

26 SONOS, INC.,

27 Plaintiff,

28 vs.

GOOGLE LLC,

Defendant.

Case No. 3:20-cv-06754-WHA

Consolidated with Case No. 3:21-cv-07559-WHA

**DECLARATION OF CHRIS CHAN IN
SUPPORT OF GOOGLE LLC'S
OPPOSITION TO SONOS, INC.'S
MOTION FOR INJUNCTIVE RELIEF**

1 I, Chris Chan, declare and state as follows:

2 1. I have personal knowledge of the matters set forth in this Declaration, and if called
3 as a witness I would testify competently to those matters.

4 2. I am a Senior Product Manager at Google. I joined Google as a full-time employee
5 in 2017. As a Product Manager for the Google Home smart speakers from May 2017 to March
6 2021, I worked on speaker grouping functionality.

7 3. There are three methods of “grouping” Google smart speakers: static grouping,
8 dynamic grouping, and stereo pairing. A very small fraction of smart speaker users, approximately
9 less than 5%, utilize any of these grouping methods. Among those who engage in static grouping,
10 the most common way of using that feature is to create a group of all devices that a user owns, for
11 example “all my speakers” or “everywhere.”

12 4. In my experience, our users mostly use Chromecast devices such as the Chromecast,
13 Chromecast Ultra, and Chromecast with Google TV to stream video to their televisions, not as part
14 of speaker groups.

15 5. The following Google products have been discontinued: Google Home (in October
16 2019), Google Home Max (in December 2020), Google Home Mini (in December 2021), Google
17 Home Hub (in March 2021), Chromecast Ultra (in September 2020), and Chromecast Audio (in
18 January 2019).

19 6. As I previously testified during my deposition in November 2022, Google does not
20 price the accused products below cost. By this I mean that Google does not set the Manufacturer’s
21 Suggested Retail Price (“MSRP”) below its Bill of Materials, or the cost Google incurs to
22 manufacture the product.

23 7. If any advertisements are displayed or played on Google’s smart speaker products,
24 they would only come from within a content playback application that a user chooses to use on the
25 display or speaker. For example, if a customer is using a service that does display or play
26 advertisements, such as Spotify, a customer may see or hear an advertisement within the Spotify
27 playback—just as they would if they were using Spotify on their computer or phone. Google does
28 not display or play additional advertisements on its smart speaker products.

1 8. Google does not sell any customer data that it may collect from its smart speakers.

2 9. I do not think of Google and Sonos as competitors in the smart speaker space. Google
3 sells its speakers and devices at a lower price point than Sonos and generally attracts customers who
4 are interested in the intelligence of the Google Assistant to control their smart homes. We briefly
5 offered a product that was designed to attract customers who were interested in both Google
6 Assistant and a more premium audio experience, the Google Home Max, which we sold for \$399.
7 However, this product was not a commercial success and we discontinued it after one holiday sales
8 cycle.

9 10. To my knowledge, Sonos does not offer (1) media players that plug into televisions
10 to allow streaming of Internet video content from a phone or laptop, like Google's Chromecast
11 devices (2) any speakers with display screens, like the Google Home Hub, Google Nest Hub, and
12 the Google Nest Hub Max, or (3) wifi extenders with an integrated speaker, like the Nest Wifi Point.

13 I declare under penalty of perjury under the laws of the United States of America that to the
14 best of my knowledge the foregoing is true and correct. Executed on June 29, 2023, in Oakland
15 California.

16
17
18 By: /s/

Chris Chan